633.3 Definitions and use of terms.

When used in this probate code, unless otherwise required by the context, or another subchapter of this probate code, the following words and phrases shall be construed as follows:

1. *"Administrator"* means any person appointed by the court to administer an intestate estate.

2. *"Assistance animal"* means an animal that qualifies as a reasonable accommodation under the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as amended, or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

3. *"Assistive animal"* means a simian or other animal specially trained or in the process of being trained to assist a person with a disability.

4. *"Bequeath"* includes the word *"devise"* when used as a verb.

5. *"Bequest"* includes the word *"devise"* when used as a noun.

6. *"Charges"* includes costs of administration, funeral expenses, cost of monument, and federal estate taxes.

7. *"Child"* includes an adopted child but does not include a grandchild or other more remote descendants, nor, except as provided in sections 633.221 and 633.222, a biological child.

8. *"Clerk"* means *"clerk of the district court"* in the county in which the matter is pending and includes the term *"clerk of the probate court"*.

9. *"Conservator"* means a person appointed by the court to have the custody and control of the property of a ward under the provisions of this probate code.

10. *"Costs of administration"* includes court costs, fiduciary's fees, attorney fees, all appraisers' fees, premiums on corporate surety bonds, statutory allowance for support of surviving spouse and children, cost of continuation of abstracts of title, recording fees, transfer fees, transfer taxes, agents' fees allowed by order of court, interest expense, including but not limited to interest payable on extension of federal estate tax, and all other fees and expenses allowed by order of court in connection with the administration of the estate. Court costs shall include expenses of selling property.

11. *"Court"* means the Iowa district court sitting in probate and includes any Iowa district judge.

12. *"Debts"* includes liabilities of the decedent which survive, whether arising in contract, tort, or otherwise.

13. *"Devise"*, when used as a noun, includes testamentary disposition of property, both real and personal.

14. *"Devise"*, when used as a verb, means to dispose of property, both real and personal, by a will.

15. *"Devisee"* includes legatee.

16. *"Distributee"* means a person entitled to any property of the decedent under the decedent's will or under the statutes of intestate succession.

17. *"Estate"* means the real and personal property of either a decedent or a ward, and may also refer to the real and personal property of a trust described in section 633.10.

18. *"Executor"* means any person appointed by the court to administer the estate of a testate decedent.

19. *"Fiduciary"* includes personal representative, executor, administrator, guardian, conservator, and the trustee of any trust described in section 633.10.

20. *"Full age"* means the state of legal majority attained through arriving at the age of eighteen years or through having married, even though such marriage is terminated by divorce.

21. *"Functional limitations"* means the behavior or condition of a person which impairs the person's ability to care for the person's personal safety or to attend to or provide for necessities for the person.

22. *"Guardian"* means the person appointed by the court to have the custody of the person of the ward under the provisions of this probate code.

23. *"Guardian of the property"* — at the election of the person appointed by the court to

have the custody and care of the property of a ward, the term *"guardian of the property"* may be used, which term shall be synonymous with the term *"conservator"*.

24. *"Heir"* means any person, except the surviving spouse, who is entitled to property of a decedent under the statutes of intestate succession.

25. *"Incompetent"* means the condition of any person who has been adjudicated by a court to meet at least one of the following conditions:

a. To have a decision-making capacity which is so impaired that the person is unable to care for the person's personal safety or to attend to or provide for necessities for the person such as food, shelter, clothing, or medical care, without which physical injury or illness may occur.

b. To have a decision-making capacity which is so impaired that the person is unable to make, communicate, or carry out important decisions concerning the person's financial affairs.

c. To have a decision-making capacity which is so impaired that both paragraphs *"a"* and *"b"* are applicable to the person.

26. *"Issue"*, for the purposes of intestate succession, includes all lawful lineal descendants of a person, whether biological or adopted, except those who are the lineal descendants of the person's living descendants.

27. *"Legacy"* means a testamentary disposition of personal property.

28. *"Legatee"* means a person entitled to personal property under a will.

29. *"Letters"* includes letters testamentary, letters of administration, letters of guardianship, letters of conservatorship, and letters of trusteeship.

30. *"Limited guardianship"* means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

31. *"Minor"* means a person who is not of full age.

32. *"Person"* includes natural persons and corporations.

33. *"Personal representative"* includes executor and administrator.

34. *"Probate assets"* means a decedent's property subject to administration by a personal representative.

35. *"Property"* includes both real and personal property.

36. *"Protected person"* means a person subject to guardianship or a person subject to conservatorship, or both.

37. *"Respondent"* means a person who is alleged to be a person in need of a guardianship or conservatorship, or both.

38. *"Service animal"* means a dog or miniature horse as set forth in the implementing regulations of Title II and Title III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

39. *"Surviving spouse"* means the surviving wife or husband, as the case may be.

40. *"Temporary administrator"* means any person appointed by the court to care for an estate pending the probating of a proposed will, or to handle any special matter designated by the court.

41. *"Trustee"* means the person or persons serving as trustee of a trust described in section 633.10.

42. *"Trusts"* includes only those trusts described in section 633.10.

43. *"Will"* includes codicil; it also includes a testamentary instrument that merely appoints an executor, and a testamentary instrument that merely revokes or revives another will.

[C51, §1286; R60, §2318; C73, §2336; C97, §3280; C24, 27, 31, 35, 39, §**11860;** C46, 50, 54, 58, 62, §633.15; C66, 71, 73, 75, 77, 79, 81, §633.3]

94 Acts, ch 1046, §26; 97 Acts, ch 178, §1, 2; 2005 Acts, ch 38, §2 – 5, 51; 2006 Acts, ch 1010, §154; 2008 Acts, ch 1119, §14; 2011 Acts, ch 34, §138; 2012 Acts, ch 1021, §108; 2014 Acts, ch 1076, §21; 2018 Acts, ch 1041, §127; 2018 Acts, ch 1140, §1, 6, 8; 2019 Acts, ch 24, §86; 2019 Acts, ch 57, §6, 43, 44; 2020 Acts, ch 1063, §333; 2022 Acts, ch 1021, §163

Referred to in §231E.3, 232.2, 235F.1, 249A.53, 422.7(43)(c), 450.1, 523A.102, 600A.2, 611.22, 633.63, 633.89, 633.551, 633.701, 633A.3113, 633F.1, 638.2

2018 amendment adding subsection 34 applies July 1, 2018, to estates of decedents dying on or after July 1, 2018, and other estates opened previously and for which administration has not been completed as of July 1, 2018; 2018 Acts, ch 1140, §8

Subsections 2, 3, 30, 36, 37, and 38 take effect January 1, 2020, and apply to guardianships and guardianship proceedings for adults and conservatorships and conservatorship proceedings for adults and minors established or pending before, on, or after that date; 2019 Acts, ch 57, §43, 44

Subsections 1, 8, 11, 14, 16, 17, 18, 20, 21, 24, 27, 28, 31, 34, 39, 40, and 41 amended